

**Notice of Allowability**

Application No.

10/805,345

Examiner

William J. Allen

Applicant(s)

FUISZ ET AL.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/15/2006 and 6/19/06 - Faxed in
2. ☒ The allowed claim(s) is/are 1-5, 7-10, 12-15, 17-20, 22-28 and 31-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                         | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20060615</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                                                     |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____                                                                      |

## **DETAILED ACTION**

### ***Prosecution History Summary***

Claims 1-10, 12-15, 17-20, and 22-28 were pending per Applicant's amendment filed 5/15/2004 with claims 29 and 30 being withdrawn.

Claims 31-45 were added per Applicant's amendment filed 5/15/2004.

Applicant canceled claims 6, 29, and 30 in an amendment filed 6/19/2006 by facsimile to William Allen, Patent Examiner, GAU 3625.

Claims 1-5, 7-10, 12-15, 17-20, 22-28, and 31-45 are pending examination.

### ***Allowable Subject Matter***

#### **Regarding claim 1:**

The prior art of record neither anticipates nor fairly and reasonably teaches a system determining customer motivations in an online shopping session comprising "means for determining whether the purchased particular product is related to a current prime motivator product, wherein said current prime motivator product has been identified by the system as the product that caused the requestor to initiate the shopping session; and

means for incrementing in the database a derivative count for the purchased particular product or a prime motivator count associated with the purchased particular product and labeling the purchased particular product as the current prime motivator product, wherein the means for incrementing the database increments the derivative count if the purchased particular product is determined to be related to the current prime

motivator product, and if not, increments the prime motivator count " as recited in claim 1 of the instant application" as recited in claim 1.

**Claims 2-4** are dependant from claim 1 and are patentable over the above references for the same reasons as claim 1.

**Regarding claim 5:**

The prior art of record neither anticipates nor fairly and reasonably teaches a method determining customer motivations in an online session comprising "if the purchased product is related to a current prime motivator product, incrementing in the database a derivative count for the purchased product,

if the purchased product is not related to a current prime motivator product, incrementing in a database a prime motivator count associated with the purchased product and labeling the purchased product as the current prime motivator product, wherein the labeling of the purchased product as the current prime motivator product identifies the purchased product as one that caused the requestor to initiate the shopping session" as recited in claim 5.

**Regarding claims 7-9 and 31-32**, claims 7-9 and 31-32 are dependent from claim 54 and are patentable for the same reasons as claim 5.

**Regarding claim 10:**

The prior art of record neither anticipates nor fairly and reasonably teaches a system determining customer motivations in an online shopping session comprising “means for determining whether the purchased particular product is related to any prior prime motivator product, wherein said prior prime motivator product has been identified by the system as the product that caused the requestor to initiate a prior shopping session; and

means for incrementing in the database a derivative count for the purchased particular product and a prime motivator count associated with the purchased particular product and designating the purchased particular product as a prime motivator product, wherein the means for incrementing the database increments the derivative count if the purchased particular product is determined to be related to any prior prime motivator product, and if not, increments the prime motivator count” as recited in claim 10.

**Claims 12-14** are dependant from claim 10 and are patentable over the above references for the same reasons as claim 10.

**Regarding claim 15:**

The prior art of record neither anticipates nor fairly and reasonably teaches a system determining customer motivations in an online shopping session comprising “means for determining whether the purchased particular product is related to a current prime motivator product unless the purchased particular product matches a subscription product in the customer history, wherein said current prime motivator

product has been identified by the system as the product that caused the requestor to initiate the shopping session;

means for incrementing in the database a derivative count for the purchased particular product and a prime motivator count associated with the purchased particular product and labeling the purchased particular product as the current prime motivator product, wherein the means for incrementing the database increments the derivative count if the purchased particular product is determined to be related to the current prime motivator product, and if not, increments the prime motivator count” as recited in claim 15.

**Claims 17-19** are dependant from claim 15 and are patentable over the above references for the same reasons as claim 15.

**Regarding claim 20:**

The prior art of record neither anticipates nor fairly and reasonably teaches a system determining customer motivations in an online shopping session comprising “means for determining whether the purchased particular product is related to any prior prime motivator product unless the purchased particular product matches a subscription product in the customer history, wherein said prior prime motivator product has been identified by the system as the product that caused the requestor to initiate a prior shopping session; and

means for incrementing in the database a derivative count for the purchased particular product and a prime motivator count associated with the purchased particular

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product and labeling the purchased particular product as a prime motivator product, wherein the means for incrementing the database increments the derivative count if the purchased particular product is determined to be related to any current motivator product, and if not, increments the prime motivator count” as recited in claim 20.

**Claims 22-24** are dependant from claim 20 and are patentable over the above references for the same reasons as claim 20.

**Regarding claim 25:**

The prior art of record neither anticipates nor fairly and reasonably teaches a system for determining customer motivations in an online shopping session comprising “means for determining whether the purchased particular product is related to any subscription product identified in the customer history;

means for revising the customer history to remove the related subscription product from the customer history, and

means for incrementing in the database a prime motivator count associated with the purchased particular product, and labeling the purchased particular product as the current prime motivator product, wherein the labeling of the purchased product as the current prime motivator product identifies the purchased product as one that caused the requestor to initiate the shopping session” as recited in claim 25.

**Claims 26-28** are dependant from claim 25 and are patentable over the above references for the same reasons as claim 25.

**Regarding claim 33:**

The prior art of record neither anticipates nor fairly and reasonably teaches a method of determining customer motivations in an online shopping session comprising “incrementing in a database a prime motivator count associated with the purchased product and labeling the purchased product as a current prime motivator product, thereby indicating that the purchased product caused the customer to have initiated the on-line shopping session.” as recited in claim 33.

**Claims 34-37** are dependant from claim 33 and are patentable over the above references for the same reasons as claim 33.

**Regarding claim 38:**

The prior art of record neither anticipates nor fairly and reasonably teaches a system in communication with a network, the network providing access to the system to online customers comprising “executable program instructions stored on a computer readable medium, the executable program instructions causing a computer to increment in the database a prime motivator count associated with a product selected for purchase and designating the product selected for purchase, during a customer’s on-line shopping session, a prime motivator product, said prime motivator product being one that primarily motivated said customer to initiate the shopping session” as recited in claim 38.

**Claims 39-45** are dependant from claim 38 and are patentable over the above references for the same reasons as claim 38.

***US Patents and PG-PUB***

- **Ng (US 6,405,175).** Ng teaches a shopping web site allowing submitting users to be rewarded for the submission of product and pricing information. Ng, however, fails to anticipate or render the above mentioned limitations obvious.
- **Linden et al. (US 6,266,649).** Linden et al. teaches collaborative recommendations of items to users based on a set of items that are known to be of interest to the user. Linden et al., however, fails to anticipate or render the above mentioned limitations obvious.
- **Deaton et al. (US 5,592,560).** Deaton et al. teaches a system for performing retail target marketing based upon a shopping history of a customer. Deaton et al., however, fails to anticipate or render the above mentioned limitations obvious.

***Foreign Patent Documents***

- **Ozawa (JPO 2005165947A).** Ozawa teaches a method for analyzing customer attitudes including reasons for purchase and non-purchase of a desired article. Ozawa, however, fails to anticipate or render the above mentioned limitations obvious.



***Non-Patent Literature***

- **PTO 892 reference U.** PTO 892 reference U teaches cross selling and up selling to customers based on customer interests. PTO 892 reference U, however, fails to anticipate or render the above mentioned limitations obvious.
- **PTO 892 reference W.** PTO 892 reference W teaches customer purchase tracking with up selling. PTO 892 reference W, however, fails to anticipate or render the above mentioned limitations obvious.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Fadok can be reached on (571) 272- 6755 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen  
Patent Examiner  
June 19, 2006

*WJ Allen*  
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MARK FADOK